19: Kharuzin -- 44 E-4 (no date) 1898 Yakut- 1-2
116, 421, 428, 562, 614

The absence of property rights on the part of women in relation to their kin group in graphically expressed in the exclusion of women from inheritance. If the economic and administrative principle lying at the foundation of the family constructed on a blood basis makes quite natural the rule of Yakut customary law, that sisters cannot inherit from brothers, that upon the death of a brother his cultivated land passes to another brother, although the latter might already have a farmstead, then in the exclusion of women from inheritance from the parents, where only daughters survived, we must see a direct consequence of the clan structure, in which the kinsmen vigilantly watch to see that the clan property does not pass to a strange clan, which inevitably happens in the case of the marriage of a girl-legatee.

M. Pripuzov informs us that upon the death of a person survived only by daughters, the legatees are in the first place his brothers, i. e., the uncles on the paternal side. Further, if the father of the deceased is alive, then by the general rule of Yakut customary law in the district investigated, which makes the parents the legatees of their children deceased without issue, he secures a larger share of the inheritance than the other relations. Where death takes place without male issue, the situation is the same as if there were no issue at all. Finally, the remaining relations come in for their share of the inheritance. A part of the property is set aside for the support and subsistence of the daughters, the remainder is divided between the relations with the closer

relations securing a larger part (the father gets more than the rest), while the more distant relatives get a lesser share. A married daughter, like the unmarried daughters, is excluded form sharing in the paternal inheritance; in any case, she cannot inherit her father's cultivated land, and if there are no direct heirs, the farm passes to the closest relations.

19: Kharuzin --45 E-4 (no date) 1898 Yakut
116, 428, 562, 583, 614

The brothers, excluding their sisters from inheritance of the paternal property, are nevertheless obliged to support their unmarried sisters, to concern themselves with giving them in marriage, and to provide them with dowries from the general property. Mr. Priklonski, however, (Tri goda v ÎAkutskoi oblasti [three years in the Yakutsk territory]. Zhivaîa Starina, 1890, pt. 3, p. 80). notes that the share of the daughters in the division of property upon the death of the father is equal to that of the brothers; this share goes to the brothers, for the support of the sisters.

That in effect it is the economic principle, in union with the blood principle, and not the fact of the grant of a dowry to a girl entering into marriage, that lies at the basis of the exclusion of women from the paternal inheritance, is demonstrated by the fact that the dowry itself does not in any way correspond to the shares which fall to the lot of the sons upon the death of the father. Mr. Pripuzov unfortunately communicates only extremely fragmentary and incomplete information concerning the size of the dowry, concerning the objects which go to make it up, and concerning the relation of the personal property of the girl, accumulated by her own labor, to the dowry given by her parents at the time of marriage.

19: Kharuzin --46-47 E-4 (no date) 1898 Yakut
116, 421, 428, 562, 583, 614

Neither Mr. Pripuzov, nor, as far as we know, any other investigators of the customary law of the Yakuts, have given us a clear answer to the question as to the relationship in which the personally earned property of the girl stands to her dowry. Is this personal property.. [47]..combined with the dowry given by the parents, or does it form a separate type of female personal ownership among the Yakuts? We do not know. As concerns the dowry given by the parents at the time of the daughter's marriage, the absence of rights on the part of the woman in the agnatic group of her husband, as well as the very origin of the dowry in the returned part of the kalym, render completely natural the rule of Yakut customary law, whereby the woman is not the owner of her dowry. The latter, writes Mr. Pripuzov, "is completely at the disposal of the husband." The husband is the owner of his wife's dowry; he answers to no one for his squandering of it. A logical consequence of this order of things are the following rules, noted by Mr. Pripuzov, in the Yakutsk district: 1. In the case of the death of the wife the dowry is not returned, but passes to the husband and his children. 2. In the case of the death of the husband, if the couple had no children of the male sex, the wife can take her dowry and return to her parents. But she can only have the dowry back under the condtition that her husband made a disposition in that sense before his death: in its absence, the dowry, as a part of the familial-clan property, passes to the closest relatives of the deceased, and the wife has no right to claim it back from the heirs.

19: Kharuzin -- 48-49 E-4 (no date) 1898 Yakut-1-2
116, 178, 428, 562, 589, 614

At the present time a widow can remain with her children after the death of her husband. The liberating tendency in favor of women in the development of customary law in the Yakutsk district is reflected in the fact that if a widow has young children of the male sex, she becomes the complete mistress of her husband's property; she freely disposes of it until the children reach their majority. More archaic views on woman's rights, however, are reflected in the fact that when the children reach their majority they have the right to proceed to the division of their grandfather's and father's property without seeking the consent of their mother. To her is assigned some indefinite part of the property, but always smaller than the share of each of the sons. The right of wives to one-fourth part of their husband's property, which is attested to in the Sbornik obychnago prava Sibiriskikh inordtsev [Compilation of the Customary Law of the Siberian Natives] p. 234. probably was the result of the influence of the Russians, and apparantly found very little reflection in life. The Yakuts of the Yakutsk district, at least, do not know this rule, if we are to judge by the information imparted to us by Mr. Pripuzov. The Yakut clan, permitting a certain economic independence to a widow with young children of the male sex, who are independent members of the clan unit, completely sets aside the widow, if her late husband left only children of the female sex. In such an eventuality, the situation, as we noted above, is held to be the same as if the man had died without issue: a certain part of the property is assigned to the widow with daughters,

all the rest goes to the relatives of the deceased. Incidentally, a more humane attitude toward women sometimes induces these relatives to permit the widow and her daughters to live on the farmstead of her deceased husband, depriving her, however, of the right to dispose of the farm. In the event of the death of the widow, [49] (or if she should marry a second time) the farm passes to the relatives of the deceased husband.

The facts adduced here testify that despite certain improvements in the attitude toward the personal and property rights of women, the position of the latter is still far from enviable: clan and household bases principally regulate the structure of Yakut life.

One cannot yet speak of the independence or equal rights of women among the Yakuts: even the rule making the parents the legatees of their children who died without issue, changes its aspect, if the deceased is survived only by a mother; while the father inherits all or the greater part of the property, the rights of the mother or widow to the property of children dead without issue are only equal to the rights of the other heirs.

19: Kharuzin --54 E-4 (no date) 1898 Yakut
116, 421, 428, 594, 614

The patriarchal principle in the Yakut family finds its expression in the right of the eldest son to dispose absolutely as he pleases with the family property. Under the prevailing custom for the grown-up, married sons to separate, as a result of which the eldest son exercises supremacy only over young children and bachelors, it is perfectly natural for the eldest son to have the right to alienate a part of the family property or to augment it by purchases, without the consent of the remaining members of the family. But although he is an independent agent over the family property with respect to the members of his own family, the eldest son nevertheless finds himself under the control of the clan. The eldest son must find the means for the punctual payment of taxes and the fulfillment of obligations; therefore if he is found to be squandering the family property the clan administration has the right to remove him from his position of responsibility. Moreover, the eldest son, having the right to rent out or mortgage the portion of the family land which has fallen to his share, connot exchange it for another without the knowledge of the clan elders.

Into the make-up of the family property go the earnings of a son who has not separated; but the latter can have his own personal property; an inheritance from a grandfather or grandmother, or presents, constitute his own personal porperty, of which the father cannot always dispose without the consent of the son: the father, for example, cannot take it, or alienate it, without the consent of the son.

19: Kharuzin -- 56-57 E-4 (no date) 1898 Yakut
116, 428, 594

At the time of the inheritance or division of property after the death of the father, regulating principle for the determination of the shares is blood kinship. All the sons, who have not yet received allotments, have equal rights to the family property. The nephew, the orphan living in the family, if his father had not received an allotment, has a right to a share of the paternal property, i. e., obtains as much as his uncles or first cousins. Women, as indicated above, are excluded from inheritance. After the death of the father the family usually dissolves, and the division takes place, which, according to Mr. Pripuzov, is not accompanied by any rites or symbolic actions: ordinarily for the carrying out of the division the closest relations are summoned, who divide the property among the heirs. There is no preliminary assessment of the value of the property. The kinsmen strive to make even the shares of the heirs, but "the paternal yurt and the [57] domestic household remain with the youngest son, if he has not received an allotment, otherwise it goes to him to whom the father has expressed the wish that it should be given."

19: Kharuzin -- 57-58 E-4 (no date) 1898 Yakut-1-2
116, 177, 428, 594, 614, 763

Obviously under the influence of the Russians, the practice of drawing up written testaments had developed among the Yakuts. But the rights of the testator to dispose of his property are circumscribed by the interests of his clan, which in certain instances may not recognize the testament as valid. At the present time the Yakuts make both written and oral testaments, which deal with the division of property among the heirs. In general, it seems, the Yakuts formerly loved and still love to make dispositions before their death. When a Yakut feels the approach of death, writes Mr. Shchukin, for example, he summons the heirs and enjoins them to continue their acquaintance with such and such a one, to beware of another, to take revenge on still another; in detail he exposes the reasons, and the heirs will not utter nor forget [58] a single word, and when their turn comes to die, they will pass the testament on to their heirs. On the basis of these oral dispositions made at the time of death, it was easy to take to the custom, borrowed from the Russians, of written testaments. The contemporary Yakut regards the written and oral testament with the same respect. The signature of a priest is considered quite sufficient for the first, whereas the presence of heirs and relatives is required for the second type of testament. The Yakuts do not have executors.

The rights of the testator to dispose of the property are extremely circumscribed: the testament itself is in the last analysis chiefly a precaution against quarrels over the division of the property.

19: Kharuzin -- 57-58 E-4 (no date) 1898 Yakut-2
116, 177, 428, 594, 614, 763

It is precisely this consideration that is held by Prince Kostrov Ocherk ĭuridicheskoe byta ÎAkutov (Juridical Customs of the Yakuts, p. 286), to be one of the chief reasons for the development among the Yakuts of the custom of making an oral testament. "Each Yakut knows well that if he should die without a detailed distribution of his property among the members of the family, it would give rise to endless and destructive quarrels among them, and therefore oral testaments among the Yakuts are very customary. Feeling the approach of death or simply finding himself very ill, before all the members of the family the Yakut makes a detailed assignment, what share and precisely what is to be given to the wife, to the sons, daughters, foster-children. When he speaks of the cattle he even cites their color."

19: Kharuzin -- 58-59 E-4 (no date) 1898 Yakut-1-2
116, 428, 594, 614, 775

The conviction that the soul of the deceased will remain 40 days in the dwelling, induces the heirs to carry out precisely the provisions of the testament, the more so since they proceed to the division of the property very soon after the death of the father, which to a certain extent works for the betterment of the widow's position. Thus the husband, if his children are under age, can at the time of death designate his wife as the "elder" of the family, can assign to her a part of his property, can express the wish that the wife's dowry should be returned to her. The dying man does not have the right to designate any persons as heirs except those who are heirs by virtue of their blood relationship with the testator. He cannot deprive his sons of their portions of the inheritance in favor of one [59] of them, even though he would dispose but of the acquired property, and not the patrimony; even in cases where the testator has no children, he cannot bequeath either the acquired or patrimonial property to his wife. In all these instances the testament is held invalid: the sons deprived of theirinheritance in favor of one of their brothers, the kinsmen, to whose injury the testator left his property tohis widow, will claim their rights, and the Clan Administration, or the Natives' Court, handling inheritance questions, will retrieve the property from the son or widow, in order to divide it up among the heirs. In a word, the written testament is held invalid, if the lawful heirs are deprived of their inheritance; it is put into effect only if the heirs and relations are satisfied with the will of the testator. Permitting in theory the right to dispose of his property on the part of the

testator, in practice the clan limits it extremely in the interests of the clan group, guarding the rights of the lawful heirs, whose economic welfare cannot be alien to the whole clan unit. In this right to deny the validity of the testament if, in the opinion of the clan, it does not satisfy in equal degree the lawful heirs, one can see a vivid example of the living force of clan existence, which despite changing conditions, permeates the structure of the life of the Yakuts.

233 starvation. In June the reindeer has already becom[illegible]
492 fatter. In autumn and winter the natives harness mostly female reindeer; in the spring they ride exclusively on bucks, protecting the cows which are with calf. The natives said that not so long ago they made a practice of not harnessing the mares to the sleds beginning about ten days after the mare had copulated with a buck, in order to avoid miscarriages.

If a reindeer collapses from hunger while being ridden, in order to force him to go on the natives knead him in the stomach with their fists, and if this is of no avail, they cut off one of his ears.

3.

233 The reindeer, which is an object of private property, is marked
422 by each owner with a particular sign called the belie. The most reliable markings are considered to be figures made by making cuts in the ears of the animal, without making any distinction between the right and left ear; these ear cuts have different appellations depending on their form [Fig. 17]. Independently of the markings on the ears, the natives cut signs with a knife in the form of different combinations of lines in the hair on the sides of the reindeer [Fig. 18]. They do this in the month of the spring sunrise, after the polar night--the time of severe cold--has passed, in order that the reindeer may not get frostbitten in the places where the hair has been cut off. The signs of ownership are the same both for bucks and for mares. Cult signs, as among the Tavgi, are not found among the
233 Dolgan. When the children of a family grow up and are given part
428 of the reindeer herd for their own, the old markings are left on the grown reindeer, and the new markings are put only on the offspring. The youngest son, who is the last in line to receive the family
[583] wealth, receives his father's markings by inheritance. The markings
233 of the husband are put on reindeer which are received as part of a
422 dowry. When an owner buys another reindeer he cuts his own markings into its ears, and one may often see reindeer with several markings in their ears. It must be added that when an owner has a large herd not all the reindeer are marked with the signs of ownership. The Dolgan have an amazing ability [Facing 198: Figure 16 on an unpaginated insert] [199] to recognize their own reindeer even after several years have passed, and even when the reindeer were only calves when last seen. Rich reindeer breeders often have more reindeer in their herds than they can count, but if they see one of their own reindeer in someone else's herd they recognize it at once, even if it has no markings; at the same time they are unable to say which